

**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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ROBERT M. GERBER, AS TRUSTEE OF  
ROSALIE GERBER TRUST, WILLIAM J.  
GILLIGAN AND JAYNE GILLIGAN,  
HUSBAND AND WIFE, SANFORD R.  
HOFFMAN AND BETH L. HOFFMAN,  
HUSBAND AND WIFE,  
AND JAMES D. BURNS,

Plaintiffs,

v.

ROBERT S. BOWDITCH, JR.,  
GERALD SLAVET, STEVEN RIOFF,  
AND BSR ASSOCIATES,

Defendants.

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CIVIL ACTION NO.  
05-10782-DPW

**DEFENDANTS' LOCAL RULE 16.1(D)(3) CERTIFICATION**

The undersigned hereby certify pursuant to Local Rule 16.1(D)(3) that they have conferred (a) with a view to establishing a budget for the costs of conducting the full course – and various alternative courses – of the litigation; and (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in LR 16.4.

Respectfully submitted,

**ROBERT S. BOWDITCH, JR.,  
GERALD SLAVET,  
STEVEN RIOFF, AND  
BSR ASSOCIATES,**  
By their attorneys,

/s/ Christina N. Davilas

Steven W. Hansen ( BBO# 220820)  
Donald J. Savery (BBO# 564975)  
Christina N. Davilas (BBO# 655477)  
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Dated: September 13, 2005

/s/ Robert S. Bowditch, Jr.  
Robert S. Bowditch, Jr.

/s/ Gerald Slavet  
Gerald Slavet

/s/ Steven Rioff  
Steven Rioff

BSR Associates,  
By its authorized representative,

/s/ Steven Rioff  
Steven Rioff

CERTIFICATE OF SERVICE

I, Christina N. Davilas, hereby certify that on this 13th day of September, 2005, I served the foregoing document by causing a true copy of same to be delivered by federal express to counsel for the Plaintiffs.

/s/ Christina N. Davilas

Christina N. Davilas